

PRIVATE CHAPTER NO. 79

HOUSE BILL NO. 4228

By Representative Sargent

Substituted for: Senate Bill No. 4224

By Senator Johnson

AN ACT to amend Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 45 of the Private Acts of 1987; Chapter 216 of the Private Acts of 1988; Chapter 152 of the Private Acts of 1990 and Chapter 73 of the Private Acts of 1991; and any other acts amendatory thereto, relative to the City of Franklin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967, Chapter 45 of the Private Acts of 1987, and any other acts amendatory thereto, is amended by deleting subdivisions (3) and (4) in Section 2 of Article VII in their entirety and by substituting instead a new subdivision (3) and redesignating subsequent subdivisions accordingly:

(3) Appoint, transfer, demote, discipline, or discharge department heads. The Board may by ordinance or rule establish hearing and appeals procedures governing such actions by the City Administrator, but no such procedure shall contain provision for appeal to or review by the Board. The decision of the City Administrator shall be final.

SECTION 2. Chapter 126 of the Private Acts of 1967, as amended by Chapter 216 of the Private Acts of 1988, Chapter 152 of the Private Acts of 1990, and any other acts amendatory thereto, is amended by deleting Section 7 of Article III in its entirety and by substituting instead the following:

Section 7. Voting and Certification of Results. Every voter in the City shall be entitled, in years when there is a mayoral election, to vote for mayor and four (4) at-large candidates without regard to the ward residence of the candidate or voter. Every voter shall also be entitled, in years when there is no mayoral election, to vote for one (1) candidate from among those candidates who reside in the same ward as the voter. The candidate for each position receiving the highest number of votes shall be declared elected. Whenever two (2) or more candidates for office shall receive an equal number of votes, the election shall be decided by either affirmative vote of the majority of the remaining members of the Board, by special election, or by any other means allowed by state law. The method of deciding the election shall be

determined by affirmative vote of the majority of the remaining members of the Board.

SECTION 3. Chapter 126 of the Private Acts of 1967, as amended by Chapter 73 of the Private Acts of 1991, and any other acts amendatory thereto, is amended by deleting subsection (c) in Section 5 of Article IV in its entirety and by substituting instead the following:

(c) Any vacancy in the office of aldermen shall be filled by either affirmative vote of the majority of the remaining members of the Board, by special election, or by any other means allowed by state law. The method of filling the vacancy shall be determined by affirmative vote of the majority of the remaining members of the Board.

SECTION 4.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin or unless it is approved by a majority of the number of qualified voters of the City of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by the presiding officer of the legislative body of the City of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

PASSED: March 20, 2008



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY, SPEAKER
SENATE OF THE SENATE

APPROVED this 10th day of April 2008



PHIL BREDESEN, GOVERNOR